

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51052 of 2023**

Arising Out of PS. Case No.-865 Year-2021 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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RAM BABU SAH SON OF LATE JAGDISH SAH RESIDENT OF
VILLAGE- BELWAGANJ, WARD NO. 42, PS- LAHERIYASARAI, DIST-
DARBHANGA

... .. Petitioner/s

Versus

1. The State of Bihar
2. RAJ KUMAR SAH SON OF LATE JUGAL SAH RESIDENT OF
MOHALLA- BELWAGANJ, WARD NO. 42, PS- LAHERIYASARAI,
DIST- DARBHANGA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate
For the Opposite Party/s : Mr. Dr. Mrityunjaya Kr. Gautam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Complaint No. 865 of 2021 dated 11.10.2021, instituted for the
offence punishable under Sections 302 and 34 of the Indian
Penal Code.

3. The prosecution case, in short, is that at 09:00 pm
the petitioner along with co-accused took informant's son to
repair electric connection. It is alleged that informant's son has
been found dead on the next day.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in this case. It is submitted that the complaint case has been lodged after 1 month and 13 days of the occurrence. It is submitted further submitted that the complainant on hearing the death of his son on 11.10.2021 gave a *fardbeyan* before A.S.I. Awadhesh Kumar Yadav of Laheriasarai police station at 09:15 am wherein he has stated that his son had gone to fetch flower for Durga Puja and came in contact with live electric wire flowing electric current resulting his death giving rise to U.D. Case No. 10 of 2021 dated 11.10.2021. It is also submitted that the police prepared the dead body challan and sent the same for autopsy which was done by Dr. B.P. Singh Assistant Professor of D.M.C.H. on the same day, who had given definite opinion that the death was caused due to coming in contact with live electric wire flowing current. In post-mortem report it is mentioned that electric current injuries were seen over the body of the deceased. It is submitted that O.P. No. 2, who happens to be the complainant, had gave the *fardbeyan* on 11.01.2021 and after lapse of one month and 13 days, this case was filed on 24.11.2021 against the petitioner and four other named accused apart from 2-3 unknown persons. Lastly, it has been submitted that he has no criminal antecedents.



5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner in connection with Complaint No. 865 of 2021, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-II Class, Darbhanga, subject to condition as laid down under Section 438(2).

(Khatim Reza, J)

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